

U.S. Patent Appln. 10/691,337  
Amendment... filed October 28, 2005  
Response to Office Action dated June 28, 2005

### REMARKS

Claims 1-27 are pending in this application. Claims 2-5 and 7-18 were deemed to contain allowable subject matter, and the Office Action said those claims would be allowed if suitably rewritten in independent form. Allowable claims 2, 3, 7 and 8 have been so rewritten. Claims 20-27 are newly-presented. Claims 1-4, 7-10, 14, 16, 18 and 19 have been amended. Claims 1, 6, 19 and 20 have been rejected. Claims 1-3, 7, 8, 19 and 20 are independent.

The Examiner is thanked for the indicated allowability of claims 2-5 and 7-18. These claims have been generally revised in accordance with the Examiner's suggestion, and so are believed to be allowable at least for the reasons given in the Office Action.

In addition, it should be noted that minor changes of form have been made to various claims in order to improve their clarity and readability.

Support for these claim changes can be found throughout the application as originally-filed. For example, with regard to claim 1, support can be found in Fig. 4, which shows a passage 39a arranged between the corners on the upper side as well as between the corners on the right side. By virtue of that structure, at least part of the passage is located above the ink level, even if the cartridge is oriented in any direction. As regards claim 20, support can be found in Fig. 3, for example.

### The Rejection Under 35 U.S.C. § 102

Claims 1, 6 and 19 have been rejected under 35 U.S.C. § 102(e) as being unpatentable over U.S. Patent No. 6,908,182 to Nakazawa, et al.<sup>1</sup> Applicants respectfully

<sup>1</sup> It should be noted that Nakazawa is commonly assigned along with the present application. To the extent this response discusses Nakazawa, such discussion involves the general teachings of that reference, and should not

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traverse this rejection as being inconsistent with the teachings of that reference, and submit the following arguments in support thereof.

Claim 1 is directed to a liquid container having a liquid storing unit storing a liquid to be supplied to a liquid ejection head. The container includes a waste liquid storing unit recovering and storing the liquid passing through the liquid ejection head that is a waste liquid, and a case in which the waste liquid storing unit is provided. The waste liquid storing unit includes a waste liquid storing chamber holding the waste liquid and a waste liquid passage guiding the waste liquid to the waste liquid storing chamber. The waste liquid passage is arranged between opposite ends of the case in at least two directions such that at least a part thereof is positioned above a liquid level of the liquid stored in the liquid storing unit with respect to a direction of gravity in each position when the liquid container is positioned so as to direct in a plurality of directions with respect to the direction of gravity.

Applicant's invention, as set out in claim 19, relates to a liquid ejection apparatus having a liquid container with a liquid storing unit storing a liquid to be supplied to a liquid ejection head and a waste liquid storing unit recovering and storing the liquid passing through the liquid ejection head that is a waste liquid. The waste liquid storing unit includes a waste liquid storing chamber holding the waste liquid and a waste liquid passage guiding the waste liquid to the waste liquid storing chamber. The waste liquid passage is arranged between opposite ends of the case in at least two directions such that at least a part thereof is positioned above a liquid level of the liquid stored in the liquid storing unit with respect to a direction of

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be construed to limit the scope of the claims of Nakazawa or any of its counterparts. If Nakazawa is characterized as teaching a particular feature or mode of operation, the claims of that reference and its counterparts should not necessarily be construed to require that feature or mode of operation unless the feature or mode of operation is specifically recited in the claims. In this regard, it should be noted that the claims of a patent are not necessarily limited to embodiments disclosed, and that limitations in the specification are not necessarily to be imported into the claims. Also, an inventor need not foresee all uses for their invention.

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gravity in each position when the liquid container is positioned so as to direct in a plurality of directions with respect to the direction of gravity.

Applicants respectfully traverse this rejection on grounds Nakazawa does not teach a waste liquid path structure in the manner recited in claims 1 and 19. In particular, it is Applicants' position that Nakazawa's waste liquid passage 96 does not extend between the opposite ends of the case in the manner recited in both claims 1 and 19. In this regard, attention is respectfully directed to Nakazawa at col. 11, lines 14-33, the only portion of the reference that discusses waste liquid passage 96, which states in part:

A cylindrical waste-ink introduction tube 96, for introducing wasted ink into the waste-ink absorption material 5, is placed at the depth of the ink outlet press part 91 and is also formed of an elastic material, such as rubber, or the like. Further, a waste-ink collection needle is inserted into the waste-ink introduction tube 96. (lines 27-33)

Nowhere in this discussion, or in Fig. 3, is there even a suggestion of the waste liquid path arranged as claimed to extend between opposite ends of the case.

It is well-accepted that for a reference to anticipate an invention under 35 U.S.C. § 102, that reference must identically disclose all the features of the claimed invention. Here, Nakazawa fails even to suggest the claimed waste liquid passage, and so Nakazawa does not anticipate the present invention.

Claim 6 ultimately depends from and so incorporates by reference all the features of claim 1, including the feature shown to avoid Nakazawa. Claim 6 therefore patentably distinguishes over Nakazawa at least for the same reasons as claim 1.

For all the foregoing reasons, favorable reconsideration and withdrawal of this rejection are respectfully requested.

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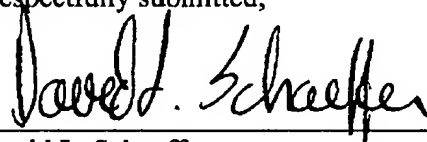
### CONCLUSION

Other than the fees for the requisite extension of time and various claim changes and newly-presented claims, no fees are believed to be due. Nevertheless, should the Commissioner deem any other fee(s) to be now or hereafter due in connection with this application, authority is given to charge all such fees to Deposit Account No. 19-4709.

Applicants respectfully submit that all outstanding rejections have been addressed and are now either overcome or moot. Applicants further submit that all claims pending in this application are patentable over the prior art. Accordingly, favorable consideration and prompt allowance of this application are respectfully requested.

In the event that there are any questions, or should additional information be required, please contact Applicants' attorney at the number listed below.

Respectfully submitted,



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